IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 29874 of 2006(F)

PETITIONER:

A.BASIL,
PRESIDENT, B.TECH LATERAL ENTRY STUDENTS UNION,
ROSE HOUSE, PLACE ROAD ATTINGAL,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.RAJESH
SMT.A.K.PREETHA
SMT.BINDHYA JOSE

RESPONDENTS:

1. STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM DISTRICT.

2. THE DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

3. THE UNIVERSITY OF KERALA,
REP. BY ITS REGISTRAR.

4. DEEPUDEV, S/O SAHADEVAN, AGED 24 YEARS
M.S.BUILDING, EEZHATTINGAL P.O., ATTINGAL,
THIRUVANANTHAPURAM DISTRICT (TKM COLLEGE OF ENGINEERING)

5. REMYA.B., PADMASREE, T.C.6/976
VELAMVILAKAM LANE,
VATTIYOORKAVU P.O., THIRUVANTHAPURAM
(SCT COLLEGE OF ENGINEERING)

6. JYOTHISH.P., JYOTHIS, DARPAVILA
BHARATHAMNOOR.P.O.,
THIRUVANANTHAPURAM
(SCT COLLEGE OF ENGINEERING)

7. SONY.S., SINI NIVAS
GANDHIPURAM.P.O,.
SREEKARIYAM
THIRUVANANTHAPURAM
(SCT COLLEGE OF ENGINEERING)

8. SONIYA VIJAYAN, UTHRADAM
VADAKKEVILA, BALARAMAPURAM-P.O.
THIRUVANANTHAPURAM
(SCT COLLEGE OF ENGINEERING)

9. LEKSHMI.M. LEKSHMI PARVATHY,
NEAR VANITHA JAIL, THOZHUKKAL
NEYYATTINKARA.P.O.
THIRUVANANTHAPURAM
(SCT COLLEGE OF ENGINEERING)

10. SUDHESH KUMAR.C.S., LEKSHMI VILASAM,
PUNNAKAMUGHAL, THIRUMALA.P.O.
THIRUVANANTHAPURAM
(SHAHUL HAMEED MEMORIAL COLLEGE OF ENGINEERING)

11. RANJITH.K.R., RAM NIVAS, CHARUVILAKOM
MANCHAVILAKOM
THIRUVANANTHAPURAM
(LOURDES MATHA COLLEGE OF ENGINEERING)

12. BIJU.U.M., USHUS, KP X/78,
HOUSING NAGAR, AMARAVILA-P.O.
THIRUVANANTHAPURAM
(SCT COLLEGE OF ENGINEERING)

13. VARUN KUMAR.K.L.,
KRISHNA BHAVAN, NIRAMAN KUZHI,
(SCT COLLEGE OF ENGINEERING)

14. SAJEEV.V.S., SREE BHAVAN, MAITHRI NAGAR-88
CHEKKALAMUKKU, SREEKARIYAM-P.O.
(SCT COLLEGE OF ENGINEERING)

15. ANISH.D., ANISH BHAVAN, MELARANNOOR
KARAMANA -P.O.
THIRUVANANTHAPURAM
(SCT COLLEGE OF ENGINEERING)

16. NITHA.P.S. VAISHNAVAM, POTTAKUZHI
PATTOM-P.O.
THIRUVANANTHAPURAM
(MUSLIM ASSOCIATION COLLEGE OF ENGINEERING)

17. SUMESH KUMAR.R.S.NIVAS, KUDAPPMAMOODU
NEYYATTINKARA, THIRUVANANTHAPURAM.
(MUSLIM ASSOCIATION COLLEGE OF ENGINEERING)

18. PREMKUMAR.V., THULAVILA (H) KOTTAPPURAM.P.O.
VIZHINJAM, THIRUVANANTHAPURAM.
(SCT COLLEGE OF ENGINEERING)
(Additional respondents 4 to 18 impleaded as per order in i.a.16256 of 2006 dated 8-12-2006)

BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.
SRI.SUMAN CHAKRAVARTHY
GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/01/2007, ALONG WITH WPC NO. 31043 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the judgment dated 22-3-2004 in W.P.No.4096/04

Ext.P2: A true copy of the order No.Ac.A.IV/1/2066/2005 dated 3-5-2005 of the M.G. University.

Ext.P3: True copy of the order No.GA-1/E1/5783/2000 of the Calicut University.

Ext.P4: True copy of the order No.Ac.AIII/3/61788/2002 dated 13-7-2005 of the Kerala University.

Ext.P5: True copy of the order No.Ac.AIII/3/61788/2002 dated 13-7-05 of the Kerala University.

Ext.P6: A true copy of the representation of the petitioner.

Ext.P7: True copy of the letter No.16093/G1/2005/H.Edn. Dated 8-3-2006.

Ext.P8: True copy of the order No.Ac.AIII/3/61788/2002 dated 18-8-2004.

// True copy //

P.A. to Judge

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**C.N.RAMACHANDRAN NAIR, J.**

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W.P.(C)Nos.29874 & 31043 OF 2006

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Dated this the 4th day of January 2007

**JUDGMENT**

Petitioners are diploma holders who joined the Engineering College under the lateral entry scheme under which, petitioner could take engineering degree after three years of course study commencing from the 3rd Semester of the regular engineering course. However, pursuant to Ext.P3 judgment of this court Kerala University prescribed that petitioners have to pass two subjects in the first semester examination namely, Engineering Mathematics and Engineering Mechanics. Petitioners' grievance is that this court suggested conduct of remedial course and imparting of simultaneous coaching in such course for the diploma students to write the examination after such course and pass the same. In spite of the observation contained in the judgment, University has not prescribed any remedial course or issued instruction to colleges to conduct parallel course is the case of the petitioners. However, it is seen that judgment was rendered in March 2004, and in spite of the same none of the petitioners approached this court for direction to commence any

remedial course or arrangement for imparting coaching. The only question to be considered is whether the petitioners can be granted exemption from writing examination of two subjects which is the requirement for the University to award engineering degree to petitioners. I am unable to accept petitioners' contention even though there may be lapses on the part of University to prescribe remedial course or to arrange with the college for conduct of classes. In fact when the lateral entry scheme for admission was in progress originally diploma holders were bound to pass all the examinations in the first year engineering course and it is only as a substitute for this that the remedial course was suggested. If the University has prescribed the above two subjects as sufficient towards the remedial course, then there is no justification for this court to consider whether the study of these two subjects is sufficient remedial course or not. The court has no authority to interfere with the academic standards prescribed by the University for award of degree. Therefore, petitioners have to necessarily pass the examinations in the two subjects- Engineering Mathematics and Engineering

Mechanics more so because most of the students who joined simultaneously along with petitioners have written and passed the examinations. It is open to the petitioners to study the subjects privately or to join along with regular students in the first semester engineering in the same colleges to attend classes in the same subjects. Colleges are directed to permit the petitioners to attend the classes in those subjects, if they so desire. The Controller of Examination of University is directed to permit the petitioners to write the next examination in these subjects.

Writ petitions are disposed of.

**C.N.RAMACHANDRAN NAIR, JUDGE**

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